

EXHIBIT 1

Dear Resident

The Township of North Versailles is mandated by the Environmental Protection Agency to enter into a Consent Order Agreement with the Allegheny County Health Department or suffer consequences detrimental to the residents of North Versailles. As a matter of fact, all municipalities discharging sewage to ALCOSAN are committed to this same ORDER.

The purpose of this Consent Order is to eliminate any bypasses of sewage entering the streams of the Commonwealth as well as reducing or eliminating, in the case of North Versailles, stormwater entering the sanitary sewers.

One component of this ORDER directs by May 31, 2007 North Versailles must complete dye testing of all structures to determine the sources of surface stormwater such as roof leaders, yard drains and driveway drains within its sanitary sewer system that may be directly or indirectly tributary to the ALCOSAN sewer system. The Authority has no option but to implement this ORDER since failure to comply will result in a fine of \$500 per day until compliance is met. (Please note: This dye testing procedure is in addition to any prior dye testing performed by N.V.T S.A.)

Every owner of land in the Township of North Versailles, upon which a structure is erected and the sewer lines from which drain into the Alcosan basin, must obtain a certification of dye testing from the North Versailles Township Sanitary Authority. Property owners shall make application for evidence of compliance on a form furnished by the North Versailles Township Sanitary Authority, upon payment of a \$20.00 fee

Each owner may obtain the services of a registered Allegheny County plumber to perform this dye test in the presence of an authorized N V T S.A. representative. However, in an effort to reduce the cost of this dye test, the N.V.T.S.A. received permission from the ACHD to also perform this dye test

Property owners can now choose from the following options

	<u>Certified Plumber</u>	<u>N V T.S.A.</u>
N.V.T.S.A. Application Fee	\$20.00	\$20.00
N.V.T.S.A. Witness Fee (1 man)	\$20.00	—
N.V.T.S.A. Test Fee (2 men)	—	\$40.00
Certified Plumber	Variable	—
Total	\$Variable	\$60.00

If the dye test reveals surface water being discharged into the sanitary sewer system, no certification of compliance will be issued. The property owner shall repair or replace all defects and have the lateral retested within sixty - (60) days of the failure. Every violation is deemed to be a civil offense by the EPA and is punishable by a fine as shown below

Days 1 – 14	\$100/day
Days 15 – 30	\$200/day
Days 31 – 60	\$300/day
Day 61 and beyond	\$500/day

EXHIBIT #1

Officials and other persons involved in the implementing or reacting to the INTENT of the Federal and Pennsylvania Storm water Management Acts, including and especially the Plaintiffs and Defendants of the Alcosan Consent Decree and in cooperation or partnering with the participating municipalities have failed to apply DUE DILIGENCE, whereby the very purpose of "COMPLIANCE" has been substantially and or virtually ignored! (section IV PURPOSE) line 14 of the Consent Decree reads in part The purpose of the parties entering into this Consent decree is to ensure that ALCOSAN undertakes measures necessary to comply with the Clean Water Act , including , but not limited to , 33 U.S.C 1342 (q) and the regulations promulgated thereunder, the Clean Streams Law and the regulations promulgated thereunder, the terms of the NPDES Permit, and the Allegheny County Health Departments Rules and Regulations

Certain officials in their hurriedly quest to "appear" to have fulfilled the legal obligations of various "phases" of the consent decree or otherwise have ignored and turned a BLIND EYE on the required PROPER INSPECTION (Allegheny County Plumbing code 1101 2) of ROOFTOP DOWNSPOUT OUTFALLS!

Hundreds of thousands or more of these downspout outfalls were once legal by code and inspection and were as planned originally, inserted into planned and inspected "Combined Sewage System "located at each property through out the municipalities.

Various municipalities in cooperation with Allegheny County and the Pennsylvania Department of Environmental Protection implemented a "CORRECTIVE ACTION PLAN" including a DYE or SMOKE TEST This plan included a letter mailed to each customer whereby property owners / customers where required to participate in a "CORRECTIVE PLAN" where by (in North Versailles PA) the North Versailles Township Sanitary Authority created "Service Orders" for the Sanitary Authority individual customers, to test "downspouts, driveway drains, area well drains and foundation drains."

Customers were mailed NOTICES to COMPLY (I Norman C. Locke was identified as M151-266 and received a notice dated Sept. 08, 2006

In addition to these notices, customers, homeowners, property owners were instructed verbally UNDER COLOR OF THE LAW to

comply with the downspout removal (from sanitary) by simply to remove the downspout from the sanitary pipe and simply "turn the downspout out into your yard" (AN ILLEGAL REMEDY / DIRECTIVE)

Many of the more informed or seemingly wiser property owners ran a mishmash of individual intellectual conglomerations of drainpipes etc., (ideas of practical remedy) diverting the downspout away from the foundations of homes etc. MANY DID NOT! Many people, failed to realize the danger of this newly introduced storm water into their yards (or their neighbors properties) which might result as a destructive force. Either way, this redirected storm water flow, draining next to the foundation or "open ended / seeing daylight, whether directed away from the house or building without having lawful direction and or official inspection violates the intent and spirit of the Storm Water Management Act(s) and related codes These creative individual property owners Storm Water Management Plans (deficient of lawful observance) became a DESTRUCTIVE CUMULATIVE Storm Water Runoff FORCE and as more customers (property owners complying) turned these downspout into "open air" without a formal official plan, the cumulative storm waters became gradually worse with each property owners act of compliance Storm water began flowing thru yards picking up debris, animal droppings etc. and began a RUSH thru yards, over sidewalks, parking places, areas previously mostly protected by these potentially destructive water flows. The additional storm water began tearing up asphalt, overflowing roadway drainage depressions, flowing thru more properties picking up more debris, back into the streets, back into yards and homes, businesses etc As the storm magnitudes and durations vary, the damage varied

As storms varied in magnitude and more property owners complied with the FLAWED DIRECTIVE, the destructive nature of the storm events often grew greater, much greater! FEMA monies were needed and used to bail out (emergency funds) these victims of these FLASH FLOODS. Insurance claims were initiated. The downspout generated waters which were reintroduced (back to) the communities by ALCOSANS failure to expand the "handling facilities) and the communities failure to "early" notice (FAILURE TO NOTICE) and failure to require storm water holding tanks earlier, became the communities lurking vandal Officials, including persons of

knowledge, attorneys, engineers, inspectors etc have postured themselves into mindsets of proper representation. When in fact it is the opposite! The actions (or lack of) described in this writing easily falls into the "strict liability" clause which was introduced by the federal government against BP. These failures rippled down to the home owners who now face the reality of NOT BEING IN COMPLIANCE and having to easily spend in (generally) excess of ten thousand dollars EACH to remedy the RUNOFF to comply with code and to remove mold and repair the residences!

Flash floods occurred with increased numbers and destructive force (They, the additional waters, certainly could not become less destructive with these added waters)

Mold potential and actual mold problems began in homes that began to seep this storm water infiltration due to more frequent ground water saturation. This same increased ground saturation not only increased in actual gallons and areas it also led to increased RUNOFF during the even "lighter" rain fall events (Due to the increased frequency of saturated ground(s), The relatively small yards in these urban communities are not able to consume these additional downspout outfalls which previously were transported by very efficient although aged combined sewer systems in these communities. In fact, the storm water events kept the raw sewage piping much cleaner as it washed and scrubbed the pipes clean during the periodic storms. Communities and homes are now experiencing much higher numbers of rat infestations. Raw sewage for rat feeding in sewers is now more plentiful, easier, and less risky for the rats in the community's sewage lines! A sewage line with a crack or obstruction of sorts now might accumulate more sewage and began the blocking process versus a combined system whereby a storm may indeed wash away the debris or might make the problem more apparent for early intervention and repair.

Homes and more basements are flooding, flash floods occur with increased numbers and violence. People have drowned in these "surprise" areas of flash floods. A fireman drowned while rescuing a flash flood victim on Mossside Blvd. (Rt 48) near or at Rt 130 in Monroeville PA. On Washington Blvd. in Pittsburgh PA four persons drowned in a flash flood. More landslides are occurring! A recent landslide behind James St. in North Versailles occurred recently.

In addition...the Allegheny County Assessments which are presently being RUSHED by Court Order to be completed and in compliance, are deficient due to the undisclosed, unrealized RUNOFF downspout damage and remedy costs involved for each and every county resident. In many of these communities the damages incurred could easily be 10 to 25% of the value of the homes! The new assessments will not represent this or any damage loss from storm water! The county assessments are seriously deficient. Mold is creating an extremely serious health concern. Most residents are unaware of the mold or simply afraid to admit or ask for help realizing a fear of the home becoming legally uninhabitable and the cost of remedy. The saturated earth around these old homes allow for added seepage The reality of the health and wellness and financial issues are monumental!

I have witnessed homes with pallets on the basement floors to keep personal belongings out of the water! I have witnessed mold and actually flooding in homes on Meadowbrook Dr and Greensburg Pike, both in North Versailles. A home on Edward St. is crawling with mold in the basement I have been told a local church is experiencing "out of control mold" My immediate next door neighbor has a downspout at the corner of his house, not more than 20 feet from my home pouring storm water onto my property and against my homes foundation This downspout was approved by the North Versailles Sanitary Authority Inspector! UNDER COLOR OF THE LAW! These descriptions are truly ONLY the tip of the iceberg!

On Edward St in North Versailles PA, two homes, both at the bottom of a hill , both on the low side of the street whereby currently stormwater jumps (flows over into the yards) flows over the raised curb and the erosion and driveway damage is apparent. What is more apparent and my past work experiences of managing twenty some pipefitters / plumbers including OSHA related compliance issues are that **these homes and the public are in imminent danger!** The gas meters on the sides of two homes as described above have on one side of the meter, sank into the ground maybe four inches or more, twisting the gas meters. One question is, how much strain can a pipe withstand before it cracks and possibly causes a catastrophic event? I witnessed this same condition on a home in PLUM Borough PA, A home having the same sunken gas pipe / meter phenomenon was DIRECTLY across the street from a home that was FLATTENED /

DESTROYED by a natural gas leak. AFTER the explosion the home described with the deficient gas meter piping / sunken ground was RED TAGGED.

My calls (regarding the EDWARD ST problem, to officials including the gas company and the Allegheny County Health Dept. fell on deaf ears! Both the Health Dept. representative and the gas company representative told me to call my plumber. I informed them that I was not the home owner I was again and again told to call a plumber When homes have been sold and any existing downspout is in sanitary sewer, the contracted person(?) for correcting this unlawful condition simply turned the downspout out into the yard creating another worse unlawful condition and threatens public safety

On September 20, 2011 I chatted with the "road supervisor" of both North Versailles and Wilkens Township

I met Denny Parafenuk "Superintendent North Versailles Road Dept " (412 823-6602 Ext 115, or 412 841-2203 CELL)

Roaddept@nvtpa.com , met him by chance at the landslide area in the alley behind JAMES ST in N Versailles He replied to my question "what am I allowed to do with my downspout if I remove it from the sanitary line (sewer)? He replied "anything I want! I asked him directly ..are there any laws rules governing my downspout drainage? He replied NONE! He did qualify this by saying "you would be silly to drain it next to your house". He also stated "if it was in sanitary it must come out!"

I asked about the landslide cause He stated that a geologist determined that this hill was known to be prone (soil conditions) to landslides! I pointed to a downspout from a house several feet away from the landslide. I asked Mr Parafenuk if that downspout was a problem The downspout was running from the roof of a home to the alley ending up in "open air" He again stated, no problem, no rules govern this! Many more of the same were aimed at the alley, the landslide! A hillside is as stated, prone to be a landslide, officials find it acceptable to DIRECT / CONVEY and to allow home owners and the township to convey storm drainage to this area / alley thereby setting up prime conditions to initiate a landslide? Which it did!

I also met Ed? Bruno (and road crew) working on Alpine Blvd in Wilkens Township Bruno identified himself as the head of the Wilkens road dept! Wilkens is famous for serious flooding during rain storms! He gave me a few minutes to talk I asked him the similar type questions! "If I buy a house in Wilkens, if the downspouts are in the sanitary sewer what must I do?" He stated, anything, just remove them! They must NOT BE IN SANITARY!" He further explained. . NO rules of any kind exist!

September 21, 2011, I met by chance A Monroeville Municipal Supervisor Mr Hyzy and another gentleman from White Oak PA Both stated emphatically that just turn downspouts out into your yard No rules apply Mr Hyzy stated this is a directive from the county and DEP. Monroeville charges \$250 to inspect to insure this is done. (Removing the downspout from the sanitary sewer) Hyzy also stated the fix would cost about \$1.97 for the elbow (downspout) Monroeville would then inspect to insure the drain was properly sealed off.

Allegheny County Plumbing Code 1101.2 was ignored or misrepresented and this ignoring the code and the intent and spirit of the stormwater management acts continues to be ignored to this day! This "turning a blind eye to these laws where indeed committed during these many years of dye test remedy. Ignored along with the intent of Storm Water RUNOFF laws whereby runoff on property should not be increased and should be properly conveyed into proper (large enough (by study) existing storm sewers in each community Tens or hundreds of thousands of illegal downspout discharges were, are to this day ignored! An inspector was paid to insure compliance with the dye testing!

Also ignored or misrepresented is the STORM WATER MANAGEMENT ACT(s)

Act of Oct 4, 1978, P.L 864, No 167 .

The basic goals of the Act 167 Plan are to ensure that stormwater runoff shall not cause harm to property or persons. The management of the plan allows for the prevention of damage caused by land use activities, avoid expanding flood hazard areas and maintain and improve stormwater quality. "Stormwater will be managed to the extent practicable that of quantity, velocity, direction, and quality of runoff. "

The Allegheny County Plumbing Code 1101.2 that was keep secretive by Allegheny County Health Dept. (stated no laws are on

books governing downspouts) and by other officials, engineers etc , in North Versailles and other communities was finally found by me to be

**Chapter 11
STORM DRAINAGE
SECTION 1101
GENERAL**

IPC 1101.2 DELETE AND REPLACE WITH:

AC-1101.2 Where Required. All roofs, paved areas, yards, courts, courtyards, or areas using a topping or finish capable of collecting water shall be drained into a separate storm sewer system, or a combined sewer available for such drains, then the water from said drains shall be conducted by proper pipe or pipes below the surface of the sidewalk, to the street gutter or to a place of disposal satisfactory to the Administrative Authority, where the local municipality has no ordinance or regulation in place, and in accordance with any other plans or ordinances adopted under the Storm Water Management Act, 1978, October 4, P.L. 864 No. 167, or other ordinances or regulations of the municipality involved. **In no case shall collected surface or storm water be allowed to drain over sidewalks or driveways, or onto adjacent properties where the water can create soil erosion or have adverse effects on a structure.**

Please note...the above code is the code in place at the time of the DYE TEST remedy whereby people / citizens were told to "simply turn your downspouts out into your yard!"

REPLACED WITH...(date of replacement ?)

**CHAPTER 11
STORM DRAINAGE
SECTION 1101
GENERAL**

IPC 1101.2 DELETE & REPLACE WITH:

AC1 101.2 Where required. All roofs, paved areas, yards, courts, courtyards, or areas using a topping or finish capable of collecting water shall be drained into a separate storm sewer system, or a combined sewer system, as per Section AC 1104.2, where such systems are

available. **Alternatively, as a green initiative, structural and non-structural storm water management practices separate from a storm sewer or combination sewer may be employed as they comply with Document 363-0330-**

002 Best Management Practices for Stormwater Management issued by the Pennsylvania

Department of Environmental Protection available electronically at <http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-8305> or are of a best management

practice design that meets or exceeds the requirements of the above noted document and meet

the requirements of the Administrative Authority and the local municipality.

If there is no storm or

combined sewer available for such drains, or if an individual chooses to construct an alternative

system specified above, then the water from said drains shall be conducted by proper pipe or pipes

below the surface of the sidewalk, to the street gutter or to a place of disposal satisfactory to the

Administrative Authority, where the local municipality has no ordinance or regulation in place, and in

accordance with any other plans or ordinances adopted under the Storm Water Management Act, 1978,

October 4, P.L. 864, No. 167, or other ordinances or regulations of the municipality involved. In no case

shall collected surface or storm water be allowed to drain over sidewalks or driveways, or onto adjacent

properties where the water can create soil erosion or have adverse effects on a structure.

The above actions, FAILURE TO NOTICE, lack of DUE DILIGENCE results in a violation of the Civil Rights Act, including but not limited to TITLE 18, section 242 which states in part, whoever under color of any law deprives any rights privileges .

Any resident or person who obeyed the dye test remedy, which most often has an end result of failing to be in compliance with the Allegheny County Plumbing Code #1101.2 and the mentioned or

otherwise not mentioned Federal and Commonwealth Storm Water Management Acts are deprived of the (damaged) value of homes, the health conditions in the homes and properties i.e. mold, the erosion of streets, roadways community properties and safe water ways, streams , rivers, i e RUNOFF debris, dog droppings etc Tax dollars have being diverted to the increased financial burden of a financially struggling FEMA. FEMA dollars have been spent on North Versailles flood conditions and other surrounding communities who participated in this lack of due diligence